

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/22/2022

-against-

JAYVON KEITT,

Defendant.

ANALISA TORRES, District Judge:

On October 21, 2022, Defendant, Jayvon Keitt, filed a *pro se* compassionate release motion (the “Motion”). ECF No. 59. On October 26, 2022, the Court appointed C.J.A. counsel to assist Defendant with the Motion and ordered C.J.A. counsel to advise the Court whether ECF No. 59 remained the operative motion. ECF No. 60. On November 7, 2022, C.J.A. counsel informed the Court that he would “re-write the [M]otion or write a supplemental motion to serve as [Defendant]’s primary document for the Court’s consideration.” ECF No. 61. On that date, the Court set a briefing schedule for the Motion. ECF No. 62.

By letter on November 17, 2022, C.J.A. counsel informed the Court that, after further discussions with Defendant, “the proper vehicle for the relief [Defendant] seeks would have been a habeas petition pursuant to 28 U.S.C. § 2241, and not a motion for compassionate release.” ECF No. 63. C.J.A. counsel seeks to “withdraw [his] request to supplement [Defendant]’s motion for compassionate release.” *Id.* C.J.A. counsel states that, were he to be appointed as C.J.A. counsel to assist Defendant with his habeas petition, he “would draft and submit a habeas petition on [Defendant]’s behalf.” *Id.* C.J.A. counsel requests, in the alternative, that the Court “consider [Defendant]’s application without any prejudice . . . [because] pro se motions should be construed liberally.” *Id.* (italics omitted).

C.J.A. counsel’s request to withdraw his request to supplement the Motion, ECF No. 63, is GRANTED.¹

The Clerk of Court is directed to open a new civil action under 28 U.S.C. § 2241, file ECF No. 59 as the *pro se* petition, and file ECF No. 63 and this Order in the new civil action. The district judge assigned to that new civil action shall determine whether current C.J.A. counsel should be appointed for the § 2241 petition.

SO ORDERED.

Dated: November 22, 2022
New York, New York



ANALISA TORRES
United States District Judge

¹ The briefing schedule set out in ECF No. 62 is hereby vacated.